

15-1191 LYNCH V. MORALES-SANTANA

DECISION BELOW: 804 F.3d 520

LOWER COURT CASE NUMBER: 11-1252

QUESTION PRESENTED:

In order for a United States citizen who has a child abroad with a non-U.S. citizen to transmit his or her citizenship to the foreign-born child, the U.S.-citizen parent must have been physically present in the United States for a particular period of time prior to the child's birth. The questions presented are:

1. Whether Congress's decision to impose a different physical-presence requirement on unwed citizen mothers of foreign-born children than on other citizen parents of foreign-born children through 8 U.S.C. 1401 and 1409 (1958) violates the Fifth Amendment's guarantee of equal protection.
2. Whether the court of appeals erred in conferring U.S. citizenship on respondent, in the absence of any express statutory authority to do so.

CERT. GRANTED 6/28/2016